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SCALFONE

LAW PLLC

247 West Fayette Street, Suite 203 • Syracuse, New York 13202 • (315) 412-0440
Licensed to Practice in New York and the U.S. Virgin Islands

Via Certified Mail (Return Receipt Requested)

April 5, 2018

Town of Summer Hill
13606 State Route 90
Locke, New York 13092

Frederick Westphal, Esq.
Cayuga County Attorney
Cayuga County Attorney's Office
160 Genesee Street
Auburn, NY 13021

Re: Notice of Intent to File Suit for Violations of the Resource Conservation and Recovery Act, the Clean Water Act, and the Comprehensive Environmental Response, Compensation, and Liability Act at Summer Hill Landfill in Summer Hill, New York, Cayuga County

To whom it may concern:

This firm has been retained by Matthew Ward, residing at 6053 Filmore Road, Moravia, New York 13118, with respect to damage to his property caused by contamination from the Summer Hill Landfill hereinafter the "Landfill."

This letter hereby notifies the Town of Summer Hill, Cayuga County, New York State, the Environmental Protection Agency, and the President of the United States, who, upon information and belief, have operated, maintained, or supervised the use and/or closure of the Summer Hill Landfill, of Mr. Ward's intent to commence a civil action under Section 7002 of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. § 6972, Section 505 of the Clean Water Act ("CWA"), 33 U.S.C. § 1365, and Section 310 of the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. § 9659, for violations of RCRA, 42 U.S.C. § 6901 *et seq.*, the CWA, 33 U.S.C. § 1251 *et seq.*, and the CERCLA, 42 U.S.C. § 9651 *et seq.*, at the Landfill. We intend to file suit against the Town of Summer Hill and Cayuga County in federal court district court to secure appropriate relief under federal law for the violations of RCRA, the CWA, and the CERCLA described herein.


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Pursuant to RCRA § 6972(c) and CERCLA § 9659(d) a copy of this notice has also been sent to: The President of the United States; The Administrator of the Environmental Protection Agency; New York State, the state in which the violation occurred; and to the Town of Summer Hill and Cayuga County, the violator(s) of such permit, standard, regulation, condition, requirement, prohibition, and/or order.

Very truly yours,

SCALFONE LAW PLLC



Ryan L. McCarthy, Esq.
RLM/emp

Cc: Client

President Donald Trump
The White House
1600 Pennsylvania Avenue NW
Washington, D.C. 20500

Scott Pruitt, Administrator
Environmental Protection Agency
Office of the Administrator 1101A
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Peter D. Lopez, Regional Administrator
EPA Region 2
290 Broadway
New York, New York 10007

Basil Seggos – Commissioner
NYS Department of Environmental Conservation
625 Broadway
Albany, New York 12233

NYS DEC Office of General Counsel
625 Broadway, 14th Floor
Albany, New York 12233